

EXHIBIT A

5 1 compared to an operation where when the safety
2 2 edges touch it closes a circuit by two pieces of
3 3 metal being compressed together?

4 A. I better answer that I don't know.

5 Q. You don't know one way or the other?

6 A. I do know it's not two pieces of
7 7 metal.

8 Q. Now, the safety electric eye that
6 9 your company offered as an option and offering at
10 10 the time it sold this door to Modern Mushroom
11 11 could that safety eye when engaged simply stop the
12 12 doors as compared to reversing its direction?

13 A. Yes.

14 Q. So a customer could order a safety
15 15 eye that would reverse the direction but a
16 16 customer could also order the safety eye that
17 17 simply stopped all operation of the door?

18 A. Yes.

19 Q. Now, with regard to the safety edge,
20 20 at the time that you sold this door to Modern
21 21 Mushroom could the customer have ordered the
22 22 safety edge that would simply stop all operation
23 23 of the door when the safety edge was engaged?

24 A. Yes.

EXHIBIT B

1 Q. So the safety edge could have also
2 have been operated so that it reversed the
3 direction of the door when the safety edge was
4 engaged or it could simply stop all movement of
5 the door when the safety edge was engaged?

6 MR. DEVLIN: Objection.

7 That's two different questions. Ask
8 him the second question. You have already
9 asked him the first one. Ask him the second
10 one separately.

11 BY MR. ABELL:

12 Q. The safety edge, when the safety
13 edge was engaged could it have been set up so that
14 that would reverse the direction of the door?

15 A. Yes.

16 Q. The safety edge at the time that
17 your company sold this door to Modern Mushroom it
18 could have also been set up in a different manner
19 so that when the safety edge was engaged the door
20 would simply stop altogether?

21 A. Yes.

22 Q. Did your company monitor what type
23 of safety devices are offered by competing bi-fold
24 doors suppliers?

EXHIBIT C

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

* * * * *

JAMIE DOUGLAS, *
Plaintiff * Case No.
vs. * 02-4556

SCHWEISS *
DISTRIBUTING, INC., *
and SCHWEISS *
BI-FOLD DOORS, INC., *
and CALDER DOOR & *
SPECIALTY COMPANY, *
Defendants *

* * * * *

DEPOSITION of
JAMIE DOUGLAS
May 23, 2003

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A. Yes.

Q. And the other person that you had been working with earlier in the shift, he was still out in the Rick's, doing the ---.

A. The other thing.

Q. I'm going to ask you some questions about time. If you could give me estimates, I would appreciate that. I realize that they are not going to be stopwatch accurate, but if you can give me a reasonable approximation, I would appreciate it. If you can't, I do not want you to guess. Just tell me that you can't give me the main number.

A. I'll try.

Q. Fair enough. And if you would be more comfortable giving a number within a range rather than a single number, then please do that. About how much time had passed between when you pushed the button to open the door and when you walked up to where the wiring cable was?

1 A. Maybe seconds.

2 Q. About how much time elapsed
3 between when your hand, when you
4 first realized your hand had been
5 caught, and when your arm broke?

6 A. Probably something I can't
7 answer, because it felt forever for
8 me.

9 Q. Can you give me any estimate
10 as to how far the bottom of the door
11 moved up, between when it was your
12 hand that got caught and when it was
13 your arm broke?

14 A. I'd say five foot. That's the
15 best I can do, it's about five foot
16 off the ground. And my arm broke.

17 Q. All right. So the bottom of
18 the door is about five feet off the
19 ground when your arm broke?

20 A. Yes.

21 Q. And do you know how far the
22 bottom of the door was off the ground
23 when your hand got caught?

24 A. Three and a half, just
25 roughly.

EXHIBIT D

1 A. No.

2 Q. Let's take a step back if I can and
3 just get some personal information about yourself.

4 How old are you?

5 A. I am fifty.

6 Q. And what is your educational
7 background? Did you graduate high school?

8 A. Yes, I did.

9 Q. And did you get any education beyond
10 high school?

11 A. No.

12 Q. Have you ever gone through any type
13 of formal training at all, through any classes or
14 vocational classes or anything at all?

15 A. I had a small business management
16 class.

17 Q. When was that?

18 A. Ten years ago.

19 Q. Any other formal educational
20 training that you have undergone besides this
21 small business management class and your high
22 school?

23 A. No.

24 Q. Do you have any type of engineering

1 background at all?

2 A. No.

3 MR. DEVLIN: By that do you mean
4 educational background? Training?

5 MR. POPILOCK: Any kind of
6 educational, training. I am trying to be as
7 broad as I can.

8 MR. DEVLIN: As opposed to on-the-
9 job. That's what I was --

10 MR. POPILOCK: Yes.

11 MR. DEVLIN: What he is talking
12 about is any training whether it's formal
13 education in engineering like a community
14 college or informal like at a trade school.

15 MR. POPILOCK: Right.

16 THE WITNESS: None.

17 BY MR. POPILOCK:

18 Q. Have you undergone any type of
19 safety training through any type of educational
20 classes or trade shows or anything like that?

21 A. I hired a firm to put on our safety
22 meetings for our manufacturing process.

23 Q. And when was that?

24 A. Ten years.

1 A. In the new company.

2 Q. So it was after 1994 approximately?

3 A. Yes. I don't recall. I don't know.

4 Q. It was the design process for the
5 cable shields occurred after the formation of
6 Schweiss Distributing, Incorporated, correct?

7 A. Yes, I think so.

8 Q. And who was involved in the design
9 process?

10 A. I was.

11 Q. Anyone else?

12 A. Not that I recall. What I would do
13 is, and to this day, I will have a man go out back
14 and bend and form a part and weld it here and
15 bring it back into me or vice-versa, I will go out
16 and do it myself.

17 Q. And is that the process that you
18 underwent for your company when you first started
19 designing the cable shields for the bi-fold doors?

20 A. Definitely.

21 Q. Was there any testing done of the
22 shields?

23 A. Yes.

24 Q. What testing was done?

1 connection with the installation of the door?

2 A. No.

3 Q. How many times in total have you
4 been to the Modern Mushroom facility?

5 A. I personally went there one time.

6 Q. Is there anyone in the employee of
7 Schweiss Distributing who is a professional
8 engineer?

9 A. No.

10 Q. Is there anyone who has ever been in
11 the employ of Schweiss Distributing who is a
12 professional engineer?

13 A. No.

14 Q. Is there now or in the past been
15 anybody in the employ of Schweiss Distributing who
16 held any type of engineering degree whether an
17 associates degree, a four year college degree or
18 any type of engineering degree?

19 A. No.

20 Q. At any time have you ever had your
21 instruction manuals reviewed by a professional
22 engineer?

23 A. No.

24 Q. At any time have you ever had your

1 design for the bi-fold doors reviewed by a
2 professional engineer?

3 A. Just for wind loaded purposes.

4 Q. And when did that occur?

5 A. That's an ongoing process.

6 Q. Now, we had you review some invoices
7 for your company to Modern Mushroom.

8 Did you also look to see whether or
9 not your company ever has any invoices or shipping
10 records to Calder Door?

11 A. Yes, I looked.

12 Q. And what did you find?

13 A. I went through all the
14 Pennsylvania's and sort of through every
15 Pennsylvania shipment and I looked for Calder and
16 I did not find anything. I tried to pull them up
17 on the computer and I couldn't find nothing.

18 Q. So in your computer you have no
19 record of your company ever having any dealing
20 with Calder Doors; is that correct?

21 A. Correct.

22 Q. Would that include anything in terms
23 of whether or not your company had ever sold any
24 replacement parts to Calder Door?

1 Q. If it wasn't taut and tight would
2 they have to start all the way over again and take
3 the cable off or just adjust the cable?

4 A. Just adjust the cable.

5 Q. The shields that your company makes,
6 either the original design shield with the solid
7 color or the replacement shield with the hinge,
8 have those shields been sent to any outside agency
9 for review or approval?

10 A. No.

11 Q. Do you hold any type of patent on
12 either of those two shields?

13 A. No.

14 MR. ABELL: I'm done. Thank you.

15 THE WITNESS: Thank you.

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. POPILOCK:

20 Q. I have probably five minutes.

21 A. Okay.

22 Q. When you were shown these color
23 photographs that were placed in front of you, you
24 seemed concerned about something in them that you